

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**JAN 27 2006**

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY AALUND,

Defendant - Appellant.

No. 05-30111

D.C. No. CR-04-02063-FVS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Eastern District of Washington  
Fred L. Van Sickle, Chief Judge, Presiding

Submitted January 25, 2006<sup>\*\*</sup>  
Seattle, Washington

Before: RAWLINSON and CLIFTON, Circuit Judges, and BURNS<sup>\*\*\*</sup>, District  
Judge.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

<sup>\*\*\*</sup> The Honorable Larry A. Burns, United States District Judge for the  
Southern District of California, sitting by designation.

We have jurisdiction to review the district court's consideration of Aalund's prior convictions for purposes of determining his criminal history category under the United States Sentencing Guidelines. *See United States v. Dominguez*, 316 F.3d 1054, 1056 (9th Cir. 2003).

The district court did not err in considering Aalund's prior convictions in its criminal history calculation, because those convictions have not been reversed or expunged. *See United States v. Guthrie*, 931 F.2d 564, 571-573 (9th Cir. 1991); *see also United States v. Young*, 988 F.2d 1002, 1004 (9th Cir. 1993).

**SENTENCE AFFIRMED.**